

Introduced by Senator Pan
(Principal coauthor: Assembly Member McCarty)

February 8, 2017

An act to add and repeal Section 83123.7 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 267, as introduced, Pan. Political Reform Act of 1974: City of Sacramento.

Existing law authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino, as specified. Existing law also authorizes the Fair Political Practices Commission to enter into such an agreement with the City Council of the City of Stockton.

This bill would authorize the Commission and the City Council of the City of Sacramento to also enter into such an agreement, as specified. The bill would require, if such an agreement is executed, that the Commission report specified information to the Legislature regarding the performance of that agreement within four years of the date on which the agreement was entered. The bill would repeal its provisions on January 1, 2022.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Sacramento.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

upon a $\frac{2}{3}$ vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 83123.7 is added to the Government Code, to read:

83123.7. (a) Upon mutual agreement between the Commission and the City Council of the City of Sacramento, the Commission is authorized to assume primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the City Council of the City of Sacramento. The Commission is authorized to be the civil prosecutor responsible for the civil enforcement of that local campaign finance reform ordinance in accordance with this title. As the civil prosecutor of the City of Sacramento's local campaign finance reform ordinance, the Commission may do both of the following:

(1) Investigate possible violations of the local campaign finance reform ordinance.

(2) Bring administrative actions in accordance with this title and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2.

(b) Any local campaign finance reform ordinance of the City of Sacramento enforced by the Commission pursuant to this section shall comply with this title.

(c) The City Council of the City of Sacramento shall consult with the Commission before adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission pursuant to this section.

(d) (1) The City Council of the City of Sacramento and the Commission may enter into any agreements necessary and appropriate to carry out the provisions of this section, including agreements pertaining to any necessary reimbursement of state costs with city funds for costs incurred by the Commission in administering, implementing, or enforcing a local campaign finance reform ordinance pursuant to this section.

1 (2) An agreement entered into pursuant to this subdivision shall
2 not contain any form of a cancellation fee, a liquidated damages
3 provision, or other financial disincentive to the exercise of the
4 right to terminate the agreement pursuant to subdivision (e), except
5 that the Commission may require the City Council of the City of
6 Sacramento to pay the Commission for services rendered and any
7 other expenditures reasonably made by the Commission in
8 anticipation of services to be rendered pursuant to the agreement
9 if the City Council of the City of Sacramento terminates the
10 agreement.

11 (e) The City Council of the City of Sacramento or the
12 Commission may, at any time, by ordinance or resolution, terminate
13 any agreement made pursuant to this section for the Commission
14 to administer, implement, or enforce a local campaign finance
15 reform ordinance or any provision of the ordinance.

16 (f) If an agreement is entered into pursuant to this section, the
17 Commission shall report to the Legislature regarding the
18 performance of that agreement within four years of the date on
19 which the agreement was entered, and shall submit that report in
20 compliance with Section 9795. The Commission shall develop the
21 report in consultation with the City Council of the City of
22 Sacramento. The report shall include, but is not limited to, all of
23 the following:

24 (1) The status of the agreement.

25 (2) The estimated annual cost savings, if any, for the City of
26 Sacramento.

27 (3) A summary of relevant annual performance metrics,
28 including measures of use, enforcement, and customer satisfaction.

29 (4) Public comments submitted to the Commission or the City
30 of Sacramento relative to the operation of the agreement.

31 (5) Legislative recommendations.

32 (g) This section shall remain in effect only until January 1, 2022,
33 and as of that date is repealed, unless a later enacted statute, that
34 is enacted before January 1, 2022, deletes or extends that date.

35 SEC. 2. The Legislature finds and declares that a special statute
36 is necessary and that a general statute cannot be made applicable
37 within the meaning of Section 16 of Article IV of the California
38 Constitution because of the necessity to avoid an appearance of
39 corruption in the City of Sacramento's electoral process. The
40 proposed local campaign finance reform ordinance is intended to

1 make it more difficult for candidates and influential individuals
2 and entities to engage in quid pro quo corruption, make the
3 financing of campaigns for elective city offices more transparent,
4 and to make more information, especially financial information,
5 regarding candidates and their supporters available to voters.
6 Enforcement of the local campaign finance reform ordinance by
7 the Commission is needed to ensure the integrity of the ordinance.
8 SEC. 3. The Legislature finds and declares that this bill furthers
9 the purposes of the Political Reform Act of 1974 within the
10 meaning of subdivision (a) of Section 81012 of the Government
11 Code.